

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on September 6, 2016.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

August 15, 2016

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:	Beduhn	Buist	Lomonaco	Meeter
	Palmer	Postema	VanderSluis	

Other official present: Tim Cochran, City Planner

A motion was made by Palmer, and seconded by Meeter to approve the minutes of the August 1, 2016 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V160021 P.P. #41-17-36-151-018

Progressive AE

5500 Clyde Park Ave. S.W.

Zoned B-3

Secretary Lomonaco read the application requesting a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-708 Primary Sign Requirements – Nonresidential Districts specifies that separate expressway business pole signs would be permitted for both the existing Meijer's and a proposed adjoining Chick-Fil-A restaurant. The petitioner requests a variance to allow both businesses to be identified on a single expressway pole sign to be located on the Chick-Fil-A property. The requested use variance is to authorize the combined business identification on a single expressway pole sign. was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Cheryl Scales, Progressive AE reported the parcel had been split, and the address of the new Chik-fil-A's property is 700 54th St. S.W. When they had discussed the development proposal with Meijer's, they thought it would be beneficial for both Chik-fil-A and Meijer's to share a common pole sign. Chik-fil-A's property is lower than the elevation of the highway. The proposed location is just north of the area of Meijer's outdoor garden sales.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said the request was similar to a variance the Board had recently granted for a shaped pylon sign for these properties along 54th St. S.W. Staff supports the requests as it actually reduces the number of potential pole signs along the highway by the dual use. All properties along the highway are allowed one pole sign by right, and this would consolidate two into one. He offered the following Finding of Facts for the Board's consideration.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the Chick-fil-A restaurant proposes to erect a 300 square foot, 60 foot high, expressway pole sign on their new parcel. The proposed sign would also identify Meijer's, which would otherwise not be permitted as an off-site business. This variance request is similar to that granted by the Board of Zoning Appeals on May 2, 2016, which authorized a shared pylon sign along 54th Street. The City, working with MDOT and the Federal Highway Administration, has reserved federal funding in 2019 to reconstruct 54th Street by creating a four way intersection into the Meijer's/Chick-fil-A properties at the current off-ramp location. The western access drive adjacent to Chili's would be closed. Meijer's currently does not have an expressway sign along U.S 131 and, if the proposed variance is approved, relinquishes their right to a separate 300 square foot expressway sign along this frontage.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the authorization of the variance provides for the identification of two major businesses at a major drive entrance. The variance would reduce the number of allowable expressway signs along the U.S. 131 frontage and does not increase the area of the sign otherwise entitled to.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the Chick-fil-a development is being integrated within the Meijer's site and will share access to 54th Street and Clyde Park Avenue with the surrounding developments. The authorizing of the variance will not diminish the marketable value of the surrounding properties or unduly increase congestion.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the reconstruction of 54th Street through this corridor will significantly better manage overall traffic congestion. The allowance for a single expressway sign, instead of two, at a major access point to the adjoining businesses would improve aesthetics though this area while providing proper identification. This is a unique condition and is not of a general nature.

A motion was made by Postema and seconded by Lomonaco that the request for a variance in application no. V160021 be granted, accepting staff's Finding of Facts.

Motion carried: 7 Yeas 0 Nays (Resolution #5606)

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

Canda Lomonaco
Secretary

CL:cb